



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant** : Gregory A. Ehlers et al.  
**Appl. No.** : 10/628,644  
**Filed** : July 28, 2003  
**Title** : SYSTEM AND METHOD FOR CONTROLLING USAGE OF A  
COMMODITY

**Grp./A.U.** : 2121

**Docket No.** : 68,180-005

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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR 1.97 AND 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to Rule 97 and in compliance with Rule 56, Applicant hereby makes of record the items listed on the attached sheets of PTO/SB/08A. Since the above-identified application was filed after June 30, 2003, Attorney for Applicants are hereby only providing copies of the foreign prior art references and publications.

None of these items discloses the inventive concepts claimed in the subject application.

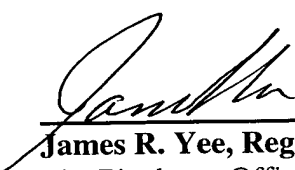
Should there be a fee associated with this document, please charge it to Deposit Account No. 08-2789. A duplicate of this paper is enclosed.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

April 16, 2004

Date

  
\_\_\_\_\_  
**James R. Yee, Registration No. 34,460**  
The Pinehurst Office Center, Suite #101  
39400 Woodward Ave.  
Bloomfield Hills, MI 48304-5151  
(248) 723-0349

Enclosures:  
PTO/SB08A w/ 75 Cited References



## CERTIFICATE OF MAILING

I hereby certify that this **Information Disclosure Statement** for U.S. Patent Application Serial No.: 10/628,644 is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on **April 16, 2004**.

Anne L. Kubit

Anne L. Kubit



PTO/SB/08A (00-03)

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**Complete if Known**

Application Number	10/628,644
Filing Date	July 28, 2003
First Named Inventor	Ehlers et al.
Art Unit	
Examiner Name	
Attorney Docket Number	68,180-005

Sheet 1

of

11

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 1,547,242	07/28/1925	Strieby	
		US- 4,075,699	02/21/1978	Schneider et al.	
		US- 4,174,517	11/13/1979	Mandel	
		US- 4,217,646	08/12/1980	Caltagirone et al.	
		US- 4,218,737	08/19/1980	Buscher et al.	
		US- 4,245,319	01/13/1981	Hedges	
		US- 4,291,375	09/22/1981	Wolf	
		US- 4,324,987	04/13/1982	Sullivan, II et al.	
		US- 4,336,462	06/22/1982	Hedges et al.	
		US- 4,338,791	07/13/1982	Stamp, Jr. et al.	
		US- 4,367,414	01/04/1983	Miller et al.	
		US- 4,382,544	05/10/1983	Stewart	
		US- 4,466,074	08/14/1984	Jindrick et al.	
		US- 4,475,193	10/02/1984	Brown	
		US- 4,503,288	03/05/1985	Kessler	
		US- 4,511,979	04/16/1985	Amirante	
		US- 4,513,189	04/23/1985	Ueda et al.	
		US- 4,514,594	04/30/1985	Brown et al.	
		US- 4,520,576	06/04/1985	Vander Molen	

**FOREIGN PATENT DOCUMENTS**

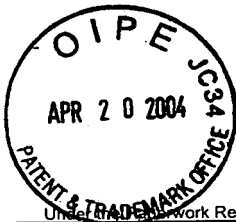
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		EP 0 163 572 A1	12/04/1985	Maury		
		EP 0 288 413 A1	10/26/1988	Transdata, Inc.		✓
		EP 0 534 839 A1	03/31/1993	Electricite		
		EP 0 577 532 A1	01/05/1994	Merlin Green		
		EP 0 688 085 A1	12/20/1995	Schlumberger		✓
		DE 27 43 212	03/29/1979	Elektrisches		

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Art Unit

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Sheet 2

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11

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,521,645	06/04/1985	Carroll	
		US- 4,523,307	06/11/1985	Brown et al.	
		US- 4,539,562	09/03/1985	Sanders	
		US- 4,549,274	10/22/1985	Lerner et al.	
		US- 4,567,557	01/28/1986	Burns	
		US- 4,630,218	12/16/1986	Hurley	
		US- 4,663,775	05/05/1987	Olek	
		US- 4,665,544	05/12/1987	Honda et al.	
		US- 4,697,182	09/29/1987	Swanson	
		US- 4,701,698	10/20/1987	Karlsson et al.	
		US- 4,728,949	03/01/1988	Platte et al.	
		US- 4,771,185	09/13/1988	Feron et al.	
		US- 4,772,870	09/20/1988	Reyes	
		US- 4,819,180	04/04/1989	Hedman et al.	
		US- 4,847,554	07/11/1989	Goodwin	
		US- 4,847,780	07/11/1989	Gilker et al.	
		US- 4,847,781	07/11/1989	Brown III et al.	
		US- 4,847,782	07/11/1989	Brown, Jr. et al.	
		US- 4,855,922	08/08/1989	Huddleston et al.	

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		FR 2 645 968	10/19/1990	Electricite		
		FR 2 660 511	10/04/1991	Electricite		
		EP 0 580 217 A1	01/26/1994	HOLEC		✓
		CA 2,121,124 A1	07/08/1993	Honeywell		✓
		WO 93/08653	04/29/1993	Electricite		
		WO 94/00824	01/06/1994	Square D Co.		

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Application Number 10/628,644

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First Named Inventor Ehlers et al.

Art Unit

Examiner Name

Attorney Docket Number 68,180-005

Sheet 3

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11

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,884,021	11/28/1989	Hammond et al.	
		US- 4,888,495	12/19/1989	Feron et al.	
		US- 4,899,129	02/06/1990	MacFadyen et al.	
		US- 4,899,217	02/06/1990	MacFadyen et al.	
		US- 4,971,136	11/20/1990	Mathur et al.	
		US- 4,977,515	12/11/1990	Rudden et al.	
		US- 4,987,513	01/22/1991	Shelley	
		US- 4,998,097	03/05/1991	Noth et al.	
		US- 5,033,112	07/16/1991	Bowling et al.	
		US- 5,045,823	09/03/1991	Nichols, III	
		US- 5,086,385	02/04/1992	Launey et al.	
		US- 5,090,024	02/18/1992	Vander Mey et al.	
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		US- 5,168,170	12/01/1992	Hartig	
		US- 5,170,360	12/08/1992	Porter et al.	
		US- 5,196,982	03/23/1993	Landsberg et al.	

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		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 94/03989	02/17/1994	Intellon Corp.		✓
		WO 94/09572	04/28/1994	Norweb PLC		✓

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Sheet 4 of 11

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,218,552	06/08/1993	Stirk et al.	
		US- 5,220,311	06/15/1993	Schweitzer, Jr.	
		US- 5,263,046	11/16/1993	Vander Mey	
		US- 5,274,571	12/28/1993	Hesse et al.	
		US- 5,278,862	01/11/1994	Vander Mey	
		US- 5,289,362	02/22/1994	Liebl et al.	
		US- 5,301,122	04/05/1994	Halpern	
		US- 5,315,499	05/24/1994	Bilas et al.	
		US- 5,323,307	06/21/1994	Wolf et al.	
		US- 5,347,167	09/13/1994	Singh	
		US- 5,414,640	05/09/1995	Seem	
		US- 5,436,510	07/25/1995	Gilbert	
		US- 5,462,225	10/31/1995	Massara et al.	
		US- 5,469,365	11/21/1995	Diekena et al.	
		US- 5,475,371	12/12/1995	Dunk et al.	
		US- 5,501,267	03/26/1996	Iritani et al.	
		US- 5,572,438	11/05/1996	Ehlers et al.	
		US- 5,598,349	01/28/1997	Elliason et al.	
		US- 5,684,710	11/04/1997	Ehlers et al.	

**FOREIGN PATENT DOCUMENTS**

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Sheet 5

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		Number-Kind Code <sup>2</sup> (if known)			
		US- 5,696,695	12/09/1997	Ehlers et al.	
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		US- 2003/0036822 A1	02/20/2003	Davis et al.	
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Sheet 6 of 11

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Group Art Unit	
Examiner Name	
Attorney Docket Number	68,180-005

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AA	"50 Successful DSM Programs", The Results Center, lists March 1994.	
	AB	"A-14--DMS 350A Programming Reference", Jul. 1998, 1 page.	
	AC	"Bell of Pennsylvania's automatic meter reading could mean greater security and privacy for customers", PR Newswire, Feb. 28, 1990.	
	AD	"Boosting Your Home's IQ: Manufacturers agree on standards for creating the smart house", Technology, p. 70 (not dated).	
	AE	"Cebus (R) power line carrier technologies from Intellon Corp. support home automation application", PR Newswire, March 1, 1994.	
	AF	"Commonwealth Edison installs Metricom's communication network" Business Wire, March 4, 1993	
	AG	"Demonstrating smarts; bright home; a demonstration home that utilizes consumer electronics . . ." Popular Science, July 1991.	
	AH	"DMS and Operator Interface Guide Specification", December 1991, pp. 1-33.	
	AI	"DMS Facilities Management System FMS2-35SX", Robertshaw Control Division, Nov. 1991, 4 pages.	
	AJ	"Energy announces a major development in its residential customer-controlled load manage . . ." PR Newswire Assoc., January 19, 1994.	
	AK	"Energy moves into fiber optics to control residential consumption", Energy Report, December 4, 1992, Vol. 20, No. 49 (sr abst).	

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 7 of 11

### Complete if Known

Application Number	10/628,644
Filing Date	July 28, 2003
First Named Inventor	Ehlers et al.
Group Art Unit	
Examiner Name	
Attorney Docket Number	68,180-005

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
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	AM	"First Pacific Networks, Central and South West Corp. to conduct energy management project in Laredo, TX", Business Wire, March 24, 1994.	
	AN	"Home automation: what's in it for utilities?", EPRI, April 1990.	
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	AU	"MicroSmart Control Network (Features and Benefits)", Siebe Environmental Controls, 1993, 10 Pages.	
	AV	"MicroSmart Control Network System Overview", Siebe Environmental Controls, November 1993, pp. 1-12.	

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	AW	"MicroSmart MSC-NC/NCM (Network Communications Module) Installation Guidelines", Siebe Environmental Controls, June 1993, pp. 1-9.	
	AX	"MicroSmart Reference (DOS Configuration Tool)", Siebe Environmental Controls, July 1993, 2 pages.	
	AY	"MSC-MPC Multi-Purpose Controller (Installation Guidelines)", Siebe Environmental Controls, November 1990, pp. 1-17.	
	AZ	"MSC-MPC-100 MSC-MPC-RC MSC-MPC-RCM MicroSmart Multi-Purpose Controllers", Siebe Environmental Controls, July 1993, 4 pages.	
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	BB	"NetComm matures as advanced communication and metering system", Research Newsletter, 4th quarter 1990.	
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	BH	"Schlumberger launches new venture for building automation systems in Europe using Echelon Technology", Bus. Wire, July 13, 1992.	
	BI	"Scientific-Atlanta, Bell Atlantic To Offer Cost -Effective Information", PR Newswire, September 23, 1991 (Mary Nagelhout).	
	BJ	"Section 2 Standard Program Functions (DMS 350A Programming Reference", September 1987, pp. 2-1 to 2-18.	
	BK	"Section 6: User Defined Programming (DMS 350A Programming Reference)", April 1989, pp. 6-11 to 6-12 (double-sided).	
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	BM	"Variable electric rates", Transtext.	
	BN	Cain, Charles J., "Metering gets real", Fortnightly, April 1, 1994, pp.39-40.	
	BO	Coleman, Andrew et al., "Competitive edge-Power View: A DSM-focused technology", Fortnightly.	
	BP	Dawson, Fred, "Energy saver can support voice and data", Multichannel News, October 21, 1991.	
	BQ	Eaton Corporation, Cutler-Hammer--Westinghouse Products, Power Distribution Components Division, "IMPACC System Communications", IL 17384, May 1995, Revision 2.1, Appendix E (title page, contents listing and pp. E-1 through E-4).	
	BR	Eaton Corporation, Cutler-Hammer--Westinghouse Products, Power Distribution Components Division, Cutler-Hammer Consulting Application Guide, "Metering and Monitoring Devices", pp. 610-613 and "Metering, Monitoring, and Protective Devices," pp. 636-649.	

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Sheet 10 of 11

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	BS	Home Automation Laboratories, Fall 1994 Catalog	
	BT	Jones, David A., "Cutting edge; three houses that break the rules and break new ground . . .", Builder Info Access, November 1993.	
	BU	Jones, David A., "Smart Money? Home automation systems", Builder June 1993, pp162-166.	
	BV	Kaplan, Daniel, "DSM Monitoring a key issue for utility industry E-source", The Engery Daily, October 5, 1993.	
	BW	Karve, Anita, "Brainy Buildings", LAN Magazine, August 1994.	
	BX	McLeister, Dan, "Dramatic changes lie ahead for home automation", Professional Builder & Remodeler, February 1994.	
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	CA	Phillips, Tim, "Welcome to the computerized home", The Guardian, March 10, 1994.	
	CB	Piepmeyer, James M. et al. "The tools of competition:" differentiation, segmentation . . . , The Electricity Journal, November 1993.	
	CC	Rupinski, Patrick, "New device automatically alerts company of power interruption", (no ref or date).	

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	CD	Saladyga, John S., "New home automation systems integrate security, energy and entertainment", Newsday, Inc., October 15, 1992.	
	CE	Salpukas, Agis, "Big hopes put on electric wires", The New York Times, July 6, 1994.	
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	CG	Schrock, Clifford B., "conservation and safety for the 90's using cable TV networks", Cable Bus Systems Corp., (no ref or date).	
	CH	Stevenson, Jr. William, "Elements of Power System Analysis", 4th Edition (1982), pp. 13-18 PCT International Serach Report.	
	CI	Teletimer Energy Savings Service: "Low-cost--high value building automation.	
	CJ	Vizard, Frank, "Building the information superhighway", Popular Mechanics, January 1994.	
	CK	Westinghouse Electric Corporation, Electrical Components Division, " Instructions for F Frame, IQ Energy Sentinel," IL 17459, (Effective November 1992).	

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